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CIVIL COVER SHEET19-cv-07660
Vincent L. Briceotti,JS 44C/SDNY
REV. 06/01/17

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

Lisa Margaret Smith

PLAINTIFFS

ESL Investments Inc. and certain of its affiliated entities (including JPP, LLC and JPP II LLC) (Appellants)

DEFENDANTS

Sears Holdings Corp. et al. (Appellees)
Full list of appellees included on the addendum hereto

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Thomas J. Moloney, Sean A. O'Neal and Andrew Weaver
Cleary, Gottlieb, Steen & Hamilton, One Liberty Plaza, New York, NY 10006
Telephone: (212) 225 2000

ATTORNEYS (IF KNOWN)

Ray C. Schrock, P.C., Paul R. Genender, Jared R. Friedmann, Sunny Singh
Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, NY 10153
Telephone: (212) 310-8000

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Appeal from order of the United States Bankruptcy Court in bankruptcy proceeding under chapter 11 of title 11, United States Code

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	<input checked="" type="checkbox"/> 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	28 USC 158	[] 376 QUI TAM
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	21 USC 881	[] 423 WITHDRAWAL	[] 400 STATE
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	[] 690 OTHER	28 USC 157	REAPPORTIONMENT
INSTRUMENT	SLANDER	[] 368 ASBESTOS PERSONAL			[] 410 ANTITRUST
[] 150 RECOVERY OF	[] 330 FEDERAL	INJURY PRODUCT			[] 430 BANKS & BANKING
OVERPAYMENT &	EMPLOYERS'	LIABILITY	PROPERTY RIGHTS		[] 450 COMMERCE
ENFORCEMENT	LIABILITY		[] 820 COPYRIGHTS		[] 460 DEPORTATION
OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	[] 830 PATENT		[] 470 RACKETEER INFLU-
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT		[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		ENCED & CORRUPT
[] 152 RECOVERY OF	LIABILITY	[] 370 OTHER FRAUD	[] 840 TRADEMARK		ORGANIZATION ACT
DEFAULTED	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING			(RICO)
STUDENT LOANS	[] 355 MOTOR VEHICLE				[] 480 CONSUMER CREDIT
(EXCL VETERANS)	PRODUCT LIABILITY				[] 490 CABLE/SATELLITE TV
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	[] 380 OTHER PERSONAL	LABOR	SOCIAL SECURITY	
OVERPAYMENT	INJURY	PROPERTY DAMAGE	[] 710 FAIR LABOR	[] 861 HIA (1395ff)	[] 850 SECURITIES/
OF VETERAN'S	[] 362 PERSONAL INJURY -	[] 385 PROPERTY DAMAGE	STANDARDS ACT	[] 862 BLACK LUNG (923)	COMMODITIES/
BENEFITS	MED MALPRACTICE	PRODUCT LIABILITY	[] 720 LABOR/MGMT	[] 863 DIWC/DIWW (405(g))	EXCHANGE
[] 160 STOCKHOLDERS			RELATIONS	[] 864 SSID TITLE XVI	
SUITS		PRISONER PETITIONS	[] 740 RAILWAY LABOR ACT	[] 865 RSI (405(g))	[] 890 OTHER STATUTORY
[] 190 OTHER		[] 463 ALIEN DETAINEE	[] 751 FAMILY MEDICAL		ACTIONS
CONTRACT	ACTIONS UNDER STATUTES	[] 510 MOTIONS TO	LEAVE ACT (FMLA)	FEDERAL TAX SUITS	[] 891 AGRICULTURAL ACTS
[] 195 CONTRACT		VACATE SENTENCE	[] 790 OTHER LABOR	[] 870 TAXES (U.S. Plaintiff or	
PRODUCT	CIVIL RIGHTS	28 USC 2255	LITIGATION	Defendant)	[] 893 ENVIRONMENTAL
LIABILITY	[] 440 OTHER CIVIL RIGHTS	[] 530 HABEAS CORPUS	[] 791 EMPL RET INC	[] 871 IRS-THIRD PARTY	MATTERS
[] 196 FRANCHISE	(Non-Prisoner)	[] 535 DEATH PENALTY	SECURITY ACT (ERISA)	26 USC 7609	[] 895 FREEDOM OF
		[] 540 MANDAMUS & OTHER			INFORMATION ACT
REAL PROPERTY	[] 441 VOTING	PRISONER CIVIL RIGHTS	IMMIGRATION		[] 896 ARBITRATION
[] 210 LAND	[] 442 EMPLOYMENT	[] 550 CIVIL RIGHTS	[] 462 NATURALIZATION		[] 899 ADMINISTRATIVE
CONDEMNATION	[] 443 HOUSING/	[] 555 PRISON CONDITION	APPLICATION		PROCEDURE ACT/REVIEW OR
[] 220 FORECLOSURE	ACCOMMODATIONS	[] 560 CIVIL DETAINEE	[] 465 OTHER IMMIGRATION		APPEAL OF AGENCY DECISION
[] 230 RENT LEASE &	[] 445 AMERICANS WITH	CONDITIONS OF CONFINEMENT	ACTIONS		[] 950 CONSTITUTIONALITY OF
EJECTMENT	DISABILITIES -				STATE STATUTES
[] 240 TORTS TO LAND	EMPLOYMENT				
[] 245 TORT PRODUCT	[] 446 AMERICANS WITH				
LIABILITY	DISABILITIES -OTHER				
[] 290 ALL OTHER	[] 448 EDUCATION				
REAL PROPERTY					

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: ☐ YES ☒ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation (Transferred) ☐ 7 Appeal to District Judge from Magistrate Judge ☐ 8 Multidistrict Litigation (Direct File)
- ☐ a. all parties represented ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION ☐ 4 DIVERSITY
(U.S. NOT A PARTY)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

1170 Kane Concourse
Bay Harbor Islands, FL 33154

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Hoffman Estates
3333 Beverly Road, IL 60179

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☒ WHITE PLAINS ☐ MANHATTAN

DATE 8/14/2019

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

☒ YES (DATE ADMITTED Mo. April Yr. 1977)

Attorney Bar Code # 1347590

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Civil Cover Sheet Addendum: Total List of Appellees

Sears Home Improvement Products, Inc.;	A&E Home Delivery, LLC	A&E Factory Service, LLC
Kmart Holding Corporation	Sears Holdings Corporation	Kmart.com LLC;
Sears, Roebuck and Co.	Sears Operations LLC	Kmart Operations LLC
Sears Procurement Services, Inc.;	A&E Lawn & Garden, LLC	SHC Licensed Business LLC
Sears Protection Company (PR) Inc.;	A&E Signature Service, LLC	ServiceLive Inc.
Sears Protection Company;	FBA Holdings Inc.	SRe Holding Corporation
Sears Roebuck Acceptance Corp.;	Innovel Solutions, Inc.	Kmart Corporation
SR – Rover de Puerto Rico, LLC (f/k/a Sears, Roebuck de Puerto Rico, Inc.);	Sears Holdings Management Corporation;	MaxServ, Inc
Big Beaver of Florida Development, LLC;	Sears Home & Business Franchises, Inc.;	Private Brands, Ltd.;
California Builder Appliances, Inc.;	Sears Insurance Services, L.L.C.;	Sears Development Co.;
Kmart of Washington LLC	Florida Builder Appliances, Inc.;	KBL Holding Inc.;
Sears Brands Business Unit Corporation;	Kmart Stores of Texas LLC;	Kmart Stores of Illinois LLC;
Sears Holdings Publishing Company, LLC;	Kmart of Michigan, Inc.;	KLC, Inc.;
Sears Protection Company (Florida), L.L.C.;	SHC Promotions LLC;	Wally Labs LLC;
SHC Desert Springs, LLC;	SYW Relay LLC;	MyGofer LLC;

SOE, Inc.;

StarWest, LLC;

STI Merchandising, Inc.;

Troy Coolidge No. 13, LLC;

BlueLight.com, Inc.;

Sears Brands, L.L.C.;

Sears Brands Management
Corporation.

Sears Buying Services, Inc.;